

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(Northern Division)**

**MICHELLE K. O'BRIEN**

\*

**Plaintiff**

\*

**v.**

\*

**Civil Action No. \_\_\_\_\_**

**WALMART, INC.**

\*

**Defendant**

\*

\* \* \* \* \*

**NOTICE OF REMOVAL OF CIVIL ACTION  
AND STATEMENT OF GROUNDS FOR REMOVAL**

To Plaintiff and Her Attorney of Record:

Please take notice that Defendant Walmart, Inc. (hereinafter "Defendant" or "Walmart") named in the civil action filed in the Circuit Court for Garrett County, Maryland, Civil Case Number C-11-CV-21-000039 ("the State Case"), hereby notes the removal of this action to the United States District Court for the District of Maryland, Northern Division. In support thereof, Walmart states the following:

1. On or about June 18, 2021, Walmart was served with a Complaint, Writ of Summons, and a Civil Non-Domestic Case Information Report, attached hereto and identified as Exhibits 1 - 3.

2. Plaintiff's Complaint is based upon allegations of negligence and premises liability for Plaintiff Michelle O'Brien's alleged personal injury at Walmart Store #2894 located in Oakland, Garrett County, Maryland.

3. Plaintiff seeks monetary damages in an amount "over Seventy Five Thousand Dollars (\$75,000.00)" for her negligence claim. *See* Complaint, Ex. 1.

4. Plaintiff is a resident of the State of Maryland. *See* Complaint, Ex. 1.

5. Defendant Walmart, Inc. is corporation existing under the laws of the State of Delaware that maintains its principal place of business in the State of Arkansas.

6. The germane section of 28 U.S.C. §1332(a) provides:

(a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between –

(1) citizens of different States;

7. Removal to the United States District Court for the District of Maryland is appropriate in this civil action based on diversity of citizenship pursuant to 28 U.S.C. §1332(a).

8. Diversity of citizenship is present in this civil action as Plaintiff's Complaint seeks damages in excess of Seventy Five Thousand Dollars (\$75,000.00), and is between citizens of different States. *Id.*

9. Pursuant to 28 U.S.C. §1441(b)(2), no defendant is a citizen of the State of Maryland.

10. Defendant reserves the right to amend this Notice of Removal.

11. Defendant reserves all defenses, including, without limitation, the defense of lack of personal jurisdiction.

12. As required by 28 U.S.C. §1446(a) and Local Rule 103(5)(a), true and legible copies of all process, pleadings, and documents which have been served upon Defendant in the State Case that is being removed, as of this date, are being filed with this Notice of Removal as Exhibits 1 - 3.

**WHEREFORE**, Defendant Walmart, Inc. respectfully requests that this civil action be removed to the United States District Court for the District of Maryland, Northern Division based on diversity of citizenship pursuant to 28 U.S.C. 1332(a).

Respectfully submitted,

/s/ Jennifer M. Alexander

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*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 12<sup>th</sup> day of July 2021, I caused a true and correct copy of the foregoing Notice of Removal of Civil Action and Statement of Grounds for Removal to be served via first class mail, postage prepaid upon:

John J. Cord, Esquire  
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Timonium, Maryland 21093  
*Attorneys for Plaintiff*

/s/ Jennifer M. Alexander

Jennifer M. Alexander, Esquire